

SIEMENS

PATENT

Attorney Docket No. 2002P17939WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

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|-------------|---------------|---|-------------------|--------------------|
| Inventor: | S. Armbruster |) | Group Art Unit: | 3651 |
| | |) | | |
| Serial No.: | 10/535,038 |) | Examiner: | Prakasam, Ramya G. |
| | |) | | |
| Filed: | 05/12/2005 |) | Confirmation No.: | 3563 |

Title: METHOD AND SYSTEM FOR TRANSPORTING MATERIAL

Mail Stop Appeal Brief - Patent
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF

Sir:

Pursuant to 37 C.F.R. § 41.41, this Reply Brief is responsive to the Examiner's Second Answer mailed 4 February 2009 in which the Examiner raised new points of argument. This is not a substitute for the Appeal Brief. Any ground for rejection in the Examiner's Answer that is not refuted herein is considered by Appellant to have been sufficiently argued in the Appeal Brief, such that no further comment is needed herein. Arguments herein focus on new points of argument and issues identified in the Examiner's answer.

Claim 34

The sole independent claim 34 on appeal requires two data processing devices as follows:

- (i) a first data processing device ...
- and
- (ii) a second data processing device positionable on or within the transport mechanism ...

Argument in the Appeal Brief was based on an understanding, per the final Office Communication, that the Examiner has read these features on the prior art as follows:

- (i) the recited “first data processing device” was read upon the reflector map 18 shown in Figure 2 of the Hori reference and more fully described at col. 3, lines 29 – 31.

and

- (ii) the recited “second data processing device positionable on or within the transport mechanism” was read upon “a present position calculation section 19 shown in Figure 2 and more fully described at col. 3, lines 31 – 33.

The Examiner has acknowledged Applicant/Appellant’s position (see Advisory action) that the Hori reference does not disclose a second data processing device because 18 is a reflector map. In view of this argument, (prior to issuance of the Examiner’s Answer) as best understood the requirement for two processors was read upon some combination of the map 18 and the calculation section 19.

Now, in the Examiner’s Answer it is argued at page 3 that

- (i) the recited “first data processing device” is to be read upon both the “reflector map” 18 and the “present position calculation section” 19

and

- (ii) the recited “second data processing device positionable on or within the transport mechanism” is read upon “present position recognizing section” 14

However, as explained at col. 3, lines 28 – 33, the “reflector map” 18 and the “present position calculation section” 19 are “subsystems” of the “present position recognizing section”

14. So, the rejection now attempts to read two elements of claim 34 (the “first data processing device” and the “second data processing device”) on the same prior art feature. As best understood, the Hori reference only discloses one processor device 14 which is shown in Figure 2 to have several components, including a calculator (i.e., a present position calculation section 19). It is error to sever the section 19 from the section 14 and still refer to the section 14 as a different processor device. The present position calculation section 19 is the only processor component shown in the figure. In this regard, the Examiner’s Answer has again failed to account for the numerous deficiencies and inconsistencies required to contrive the rejections.

Claim 36

The material transport monitoring system according to claim 36 includes a data processing device and/or a detection device “capable of calibrating the position coordinates of the transport mechanism to a material-relevant point.” As noted in the Appeal Brief, the citation of col. 3, lines 10-17 does not indicate calibration to a “material relevant point.” The Examiner’s Answer now argues the position of the transport mechanism is a material-relevant point. This argument renders the meaning of the claim nonsensical because it is the same position for which the position coordinates of claim 36 are calibrated. In essence the argument now contends that the position is calibrated with respect to the same position.

Claim 37

The Hori reference provides no such disclosure of a material transport monitoring system “configured to provide position coordinates with at least one area identifier.” The Examiner persists in citing col. 3, lines 10-17 to reject this subject matter, but does not indicate at all how that passage could possibly disclose the claimed feature. As stated in Appellant’s application (see par [0026] at page 9), a module may be provided to supplement the position coordinates with an area identifier so that the invention can be used in large-scale industrial units with different areas, e.g., a plurality of boundaries, indoors and outdoors, with subdivisions or a large number of units. There remains a complete failure in the Hori reference to disclose an area identifier and the repetitive citation of the same passage does not address the deficiency of disclosure. The Examiner has made no effort to provide any explanation as to how this citation could possibly be applied to reject claim 37.

Claim 38

The material transport monitoring system according to claim 38 is configured to determine a type of storage of the material from the position angle. The rejection now argues that col. 3, lines 10-28 disclose this feature, whereas previously it was argued that col. 3, lines 10-17 disclose this feature. Nonetheless, the citations are devoid of the claimed subject matter. The rejection confuses disclosure concerning the position and orientation of a guided vehicle with determining a type of storage from the position angle. The citation describes use of information about angles and distances to determine velocities which are then used to determine position of the guided vehicle. This passage has nothing to do with the claimed subject matter and the Examiner cannot offer any relevance for citing the passage. The rejection must be reversed.

Claim 40.

In the material transport monitoring system according to claim 40, the detection device provides current position information to the first data processing device for determination of current speed and position angle of the transport mechanism. The argument follows the final rejection in that it also fails to cite a passage from the Hori reference to argue anticipation. Further, the argument does not even assert that Hori discloses determination of position angle of the transport mechanism. Clearly, based on the effort to read the claimed first data processing device on a "map" and the inability to "find" a "first data processing device" it is not possible to find structure or function in the Hori reference that comports with the detection device **providing** information to the first data processing device. Reversal of the rejection is in order.

Claim 41

According to claim 41 the material transport monitoring system defines "material pick-up points with respect to a material-relevant point on the transport mechanism." For some unexplained reason the argument in the Examiner's Answer refers to entirely irrelevant figures which appear to only concern position determination. The argument does not even contend that the features as claimed are present. The recitation "material pick-up points with respect to a material-relevant point on the transport mechanism" refers to a relationship to a pick-up point. As explained at par [0023] (see page 7) of the application, an exemplary material pick-up point is defined in relation to the tip of a mandrel, i.e., with respect to the materials being picked up. The

argument does not attempt to read this subject matter on the prior art. In the absence of any showing by the Examiner the rejection cannot stand.

Claim 42

The argument still provides no basis for rejection of claim 42. The Hori reference discloses no configuration to "define material relevant points for different types of transport mechanisms including stacker trucks; define elevation coordinates in conjunction with the planar position coordinates; and determine a position angle of the transport mechanism relative to a storage location." No effort is made to read the multiple elements of this claim on the prior art. The rejection cannot stand.

Claim 43

Previously the rejection of claim 43 cited col. 6, lines 48-66, but because Appellant argued that this passage concerns to a distance between a vehicle and a reflector and has no apparent relation to the claimed subject matter, the argument in the Examiner's answer does not even attempt to cite disclosure to support anticipation.

Claim 44

The rejection once more cites (Col. 3, lines 10 - 40) which has no bearing on the recited subject matter. The passage does not even relate to a "visual display". The new argument refers to disclosure of a "map" as a visual display, but the "map" in the cited passage is the reflector map 18. The rejection is in error and must be reversed.

Conclusion

In summary, the argument presented in the Examiner's Answer fails to identify the requisite support to sustain a rejection of claim 34 and the above-referenced dependent claims under Section 102. As discussed above for claim 34, the new point of argument made in response to the Appeal Brief is without support just as many arguments presented in the final rejection are without basis. In view of the deficiencies identified in the Examiner's Answer, Appellant again respectfully submits that the rejections are in error. The Board is therefore respectfully requested

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to reverse the final rejection of the Examiner and to remand the application to the Examiner with instructions to allow all of the pending claims.

Please grant any extensions of time required to enter this paper. Please charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Acct. No. 19-2179.

Respectfully submitted,

Dated:

March 25, 2010

By:

Janet D. Hood

Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830